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OFFICE OF CAMPAIGN & POLITICAL FINANCE

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TO: Interested Parties

FROM: Michael J. Sullivan *mjs*

SUBJECT: Massachusetts and Federal Candidate Committee Issues

This memorandum outlines the provisions of state law relative to a Massachusetts candidate committee that wishes to: (1) transfer funds between that candidate's Massachusetts and federal committee, (2) solicit contributions refunded to contributors by that candidate's federal committee or (3) make expenditures to "test the waters" in connection with a possible campaign for Federal office.

**I. Transfers Between Candidate's Massachusetts and Federal Committee.**

The Massachusetts campaign finance law and regulations promulgated by the Federal Election Commission (FEC) prohibit the transfer of funds or assets between a Massachusetts candidate's federal and state political committee. Specifically, M.G.L. c. 55, s. 7 as amended by section 2 of chapter 394 of the Acts of 1998 provides, in pertinent part:

No candidate or candidate's committee shall receive a transfer of funds or assets from any federal political committee. No candidate or candidate's committee shall make an expenditure of, or transfer, funds or assets that were transferred on or after November 25, 1998 from a federal political committee.

Similarly, FEC regulations provide that a federal campaign committee may not receive transfers of funds or assets from that candidate's nonfederal (e.g. Massachusetts) campaign committee. See 11 CFR 110.3(d).

**II. Solicitation of Contributions Refunded by Candidate's Federal Committee.**

Although the campaign finance law prohibits transfers from a candidate's federal committee, it does provide that a candidate's state committee may "coordinate arrangements,



with a federal committee that refunds contributions pursuant to federal law<sup>1</sup>, for a solicitation of the same contributors by the candidate's state committee." See M.G.L. c. 55, s. 7 as amended by St. 1998, c. 394, s.2. If such a solicitation occurs, section 7 requires that the candidate's state committee must pay the full cost of such a solicitation. In addition, the contributor must make the contribution to the candidate's state committee, if greater than \$50.00, from the contributor's checking account. See M.G.L. c. 55, s. 9.

### **III. Campaign Finance Activity while Candidate Explores Federal Candidacy.**

A candidate's state political committee is organized **primarily** for the purpose of handling campaign finance activity in Massachusetts state, county and municipal elections. While Massachusetts law and regulations do not prohibit a candidate's state committee from making expenditures while exploring a possible candidacy for federal office, it is our understanding, as of the date of this memorandum, that the FEC would likely consider such expenditures to be inconsistent with Federal law. See 11 CFR 100.7(b)(1), 11 CFR 100.8(b)(1) and 11 CFR 110.3(d).

### **IV. Additional Information.**

This memorandum is intended to serve only as a general guide to candidates and candidate committees which may wish to transfer funds between that candidate's federal and state political committees, solicit refunded federal contributions or "test the waters" for a possible federal candidacy.

**Candidates or committee treasurers should contact the Federal Election Commission for assistance relative to the application of federal law to candidate's committee activities. The Federal Election Commission's toll free number is 1-800-424-9530.**

Questions regarding the application of state law or regulation should be directed to OCPF at **1-800-462-OCPF** or **617-727-8352**.

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<sup>1</sup> Federal law and regulations do not specifically address the refund of contributions from a federal committee to contributors for subsequent solicitation by a state committee. The FEC has ruled, however, that such refunds may be made consistent with federal law. See FEC Advisory Opinion 1996-52.